Approved Code No. 84—Appendix No. 2 Registry No. 1203—06

NATIONAL RECOVERY ADMINISTRATION

CODE APPENDIX

FOR THE

METAL SPINNING AND STAMPING MANUFACTURING INDUSTRY

(A Subdivision of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry)

AS APPROVED ON NOVEMBER 22, 1934

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Approved Code No. 84—Appendix No. 2

CODE APPENDIX

FOR THE

METAL SPINNING AND STAMPING MANUFACTURING INDUSTRY

As Approved on November 22, 1934

ORDER

APPROVING APPENDIX FOR THE METAL SPINNING AND STAMPING MANUFACTURING INDUSTRY

A SUBDIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section 4 of Article IV of the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, as amended June 1, 1934, for approval of an Appendix establishing trade practice provisions for the Metal Spinning and Stamping Manufacturing Subdivision of said Industry, and public hearing having been duly held thereon; and the annexed report on said Appendix to said Code containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Appendix to said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Appendix of said Code of Fair Competition be and it is hereby approved; provided, however, that the governing body mentioned in paragraph B of the Appendix is set up in a manner satisfactory to the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
November 22, 1934.

98968°——1325-76——34

REPORT TO THE PRESIDENT

The President,
The White House.

Sir: This is a report on an Appendix to the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved on November 2, 1933, and as amended on June 1, 1934.

GENERAL STATEMENT

The Metal Spinning and Stamping Manufacturing Industry, being truly representative of this Subdivision of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of operating under the Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as amended on June 1, 1934, with the assistance of additional fair trade practice provisions.

RÉSUMÉ OF THE APPENDIX

Paragraph A, Definition, accurately defines the term "Metal Spinning and Stamping Manufacturing Subdivisions".

Paragraph B, Governing Body, sets up a governing body consisting of members of the Subdivision to be known as the Subdivisional Committee for the Metal Spinning and Stamping Manufacturing Subdivision.

Paragraph C, Effective Date, prescribes the effective date of the Appendix.

Paragraph 4 makes the violation of any of the trade practices in this Appendix also a violation of the Code.

Section 1 sets up maximum discounts and terms of sale.

Section 2 provides against any member of the Subdivision from wilfully inducing or attempting to induce the breach of existing contracts between competitors and their customers.

Section 3 provides against pre-dating or post-dating any invoices or contracts of sales.

Section 4 provides for the formulation of methods of cost finding and accounting capable of use by all members of the Subdivision, and provides against actions which cause influences inconsistent with the maintenance of a free and open market.

FINDINGS

The Deputy Administrator in his final report to the Board on said Appendix to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It has been found that:

(a) Said Appendix to said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Appendix to said Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Appendix to said Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Appendix to said Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Appendix to said Code.

For these reasons, therefore, this Appendix of said Code has been approved.

For the National Industrial Recovery Board:

W. A. Harriman,
Administrative Officer.

November 22, 1934.

CODE APPENDIX FOR THE METAL SPINNING AND STAMPING MANUFACTURING INDUSTRY

A SUBDIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Pursuant to Section 4 of Article IV of the Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as amended, (the terms of which apply to each member of the Metal Spinning and Stamping Subdivision), the following provisions are established as an Appendix to said Code of Fair Competition of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry for such Metal Spinning and Stamping Manufacturing Subdivision of that Industry.

A. *Definition.*—The term "Metal Spinning and Stamping Manufacturing Subdivision" or "subdivision" as used herein, means all individuals, firms or corporations engaged in the manufacture for sale (on a job contract basis) and not for use in further manufacturing in this subdivision of—(1) Metal spinnings and (2) Metal spinnings and stampings when both the spinning and stamping operations are performed on the same product by a member of the subdivision, specifically excluding the mere stamping of metal alone.

B. *Governing Body.*—The members of the subdivision shall set up a Subdivisional Committee for the Metal Spinning and Stamping Manufacturing Subdivision, hereafter referred to as the "Subdivisional Committee", consisting of as many members as may be determined by and in a manner satisfactory to the Basic Code Authority or the National Industrial Recovery Board.[1]

C. *Effective Date.*—This Appendix shall become effective ten (10) days after its approval by the National Industrial Recovery Board.

TRADE PRACTICES

Any member of the subdivision who directly or indirectly through any officer, employee, agent or representative violates or evades any of the following trade practice provisions shall be guilty of violation of this Code.

SECTION 1. *Terms.*—No member of the subdivision shall grant terms more favorable than net cash thirty (30) days or, if discount is allowed, such discount shall not be in excess of two (2%) percent for cash in ten (10) days.

SECTION 2. *Inducing Breach of Contract.*—No member of the subdivision shall willfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the perform-

[1] See paragraph 2 of order approving this appendix.

ance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

SECTION 3. *Pre-dating or Post-dating.*—No member of the subdivision shall knowingly pre-date or post-date any invoice or contract of sale.

SECTION 4. *Cost Finding.*—The governing body shall cause to be formulated methods of cost finding and accounting capable of use by all members of the subdivision, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the subdivision. Thereafter, each member of the subdivision shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the governing body, any agent thereof, or any member of the subdivision to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices. The principles of accounting and costing as approved and set up under this section shall not be used by the governing body or the Basic Code Authority in the administration of the provisions of Article V, Section A of the Basic Code.

Approved Code No. 84—Appendix No. 2.
Registry No. 1203–06.

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